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SUBJECT: Murder Trial of Journalist Finds Momentum

REF: A) 06 Kinshasa 1105, B) 06 Kinshasa 441,
C) 06 Kinshasa 270

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¶1. (SBU) Summary: The trial for the November 2005 murder of journalist Franck Ngyke Kangundu is seemingly back on track after many months of procedural delay. The presiding military court has rearrested an early suspect and asked that the investigation be expanded to include some PPRD political figures. Whether it turns out Ngyke Kangundu was the victim in a botched robbery, or, worse, targeted as a journalist or as a political adviser, his is fundamentally a sad cautionary tale about the disregard of ethics by Congolese journalists who try to operate both in journalism and in politics. End Summary.

¶2. (U) On February 14, the military court trying the case ordered the re-arrest of Paulin Kusungila, who had been held for about a month following the November 3, 2005 murder of "Reference-Plus" journalist/PPRD political adviser Franck Ngyke Kangundu and his wife Helene Paka. One of the three accused assassins is said to have called his uncle, Kusungila, with Ngyke's cell phone thirty minutes after the murder. Kusungila's lawyer requested that his client be granted bail, given his willingness to cooperate. The three suspects are members of the DRC armed forces, which gives the military court jurisdiction in this case. Kusungila, now the fourth suspect, is a civilian.

¶3. (SBU) The military court also requested that the public prosecutor extend his investigation to include persons cited in a report produced by media watchdog group Journaliste En Danger (JED) a year ago (ref C). On February 21, a scheduled hearing on the prosecution's on-again-off-again investigation was postponed until March 7. (Note: The JED report elaborates on a PPRD power struggle in Bandundu province, making mention of former Interior Minister Theophile Mbemba, former Kinshasa governor Jean Kimbunda Mudikela, and PPRD Deputy Secretary General and current Minister of Labor Marie-Ange Lukiana Mufwancol, per ref C. JED president Mbaya Tshimanga confirmed to us February 27 that these individuals could

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indeed expect a visit by the prosecutor. End note.)

¶4. (SBU) Comment: Notwithstanding unfulfilled promises of independent investigations into this crime (ref B), the long-stalled military trial seems to be stirring great interest, if only because the Franck Ngyke Kangundu case has received more attention than most. It would be surprising, however, to see the figures mentioned in the JED report overly discomfited by the public prosecutor. Seven journalists have been killed in the Congo in the past 11 years, and there have been no convictions for any of these crimes, according to JED. Recent Third Republic pronouncements against

impunity could inspire the court to see the Franck Ngyke Kangundu case through. Given Ngyke Kangundu's moonlighting as a PPRD political consultant, however, and given the propensity of Congolese journalists to blur the lines between their journalistic and political activities, this particular case has a dimension that extends beyond questions of press freedom. End Comment.

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